THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 25659 of 2005

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Dated: 31.03.2006

Between:

G. Nagaiah, S/o G.C. Naganna, R/o 7/456-1, YMR Colony, SVM

Road, Proddatur, Kadapah District.

..... PETITIONER

AND

The A.P.S.R.T.C., Rep by its Chairman & Managing Director,
Musheerabad, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 25659 of 2005

Order:

The present writ petition is filed questioning the proceedings No.02/95(05)/(02)PDTR, dated 11.08.2003 issued by the Depot Manager imposing the punishment of deferment of annual increment for a period of one year with cumulative effect and treating the period of suspension as “not on duty”, and the proceedings No.St/19(28)2004-DVM(P), dated 22.03.2004 of the Divisional Manager-respondent No.2 and Proceedings No.PA/20B(42)/04-RM’C”, dated

02.11.2004 of the Regional Manager, rejecting the appeal and review filed by the petitioner.

The petitioner, who is working as Conductor with the respondent-Corporation, was issued with a charge sheet and suspension order, dated 07.02.2003 alleging cash and ticket irregularities. After conducting a regular enquiry and considering the explanation submitted by the petitioner, the Depot Manager, vide proceedings No.02/95(05)/(02)PDTR, dated 11.08.2003, imposed the punishment of deferment of annual increment for a period of one year with cumulative effect and treating the period of suspension as "not on duty". Aggrieved by the said orders, the petitioner preferred an appeal and review before the Divisional Manager-respondent No.2, and the Regional Manager, which were rejected by orders, dated 22.03.2004 and 02.11.2004 respectively. Hence, the present writ petition.

Learned counsel for the petitioner submitted that the petitioner, having collected Rs.26/- from a lady passenger, by mistake issued tickets worth of Rs.20/- only i.e., Rs.16/- denomination and Rs.4/- denomination, and this mistake was occurred only due to same colour of Rs.4/- denomination and Rs.10/- denomination tickets, and there is no *mala fide* intention on the part of the petitioner either to grab the money or to defraud the Corporation, and the Depot Manager as well as the Appellate Authorities erred in imposing the punishment.

In the present writ petition the petitioner did not challenge the enquiry proceedings and the only question remains to be answered is whether the proved misconduct is disproportionate to the punishment imposed. The petitioner committed certain cash and ticket irregularities while conducting Simhadripuram – Proddatur service on 31.01.2003, and that having not satisfied with the explanation offered by the petitioner to the show cause notice issued by the Depot Manager, a regular enquiry was ordered, wherein the charges leveled against the petitioner were proved and based on the report of the enquiry officer, a show cause notice was issued to the petitioner and after considering his explanation, the Depot Manager imposed a penalty of withholding annual increment for a period of one year with cumulative effect besides treating the suspension period as not on duty, which was also confirmed by the appellate authority and no exception can be taken thereto, more so having regard to the judgment of the apex Court in ***Regional Manager, Rajasthan SRTC v. Sohan Lal***, wherein it was held that it is not within the normal

jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

There is no merit in the writ petition and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 31.03.2006

Nsr/Ksr